

INTER-OFFICE COMMUNICATIONS

Palm Beach County, Florida

TO: John Sansbury, County Administrator
Lisa Heasley, County Attorney's Office
Herb Kahlert, County Engineer
David Bludworth, State Attorney
Joy Shearer, Asst. Attorney General
Captain Cook, Sheriff's Dept. - Civil
Frank Schulz, Sheriff's Office
Bob Basehart, Planning, Zoning & Bldg.
Bob Palchanis, Building Division, Director
Maureen Cullen, Assistant County Attorney
Patty Young - 4th District Court of Appeals
Law Library

DATE: September 24, 1985

(2) County Library - Tom McLaughlin - Finance
Purchasing Director - Roni Roarke - Finance

Sharon Adams - Engineering PBIA

FROM: John W. Dame, Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE DISTRIBUTION

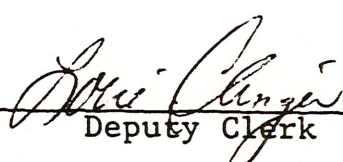
ORDINANCE NO. 85-28

TITLE REFERENCE:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING PALM BEACH COUNTY ORDINANCES 73-7, 79-6 AND 82-5 AND ENACTING AN ORDINANCE ENTITLED "PALM BEACH COUNTY PURCHASING ORDINANCE"; CREATING A CENTRALIZED PURCHASING DEPARTMENT FOR PALM BEACH COUNTY, FLORIDA, SETTING FORTH THE AUTHORITY AND GENERAL PURPOSE OF THE PURCHASING DEPARTMENT AND DIRECTOR OF PURCHASING; DESIGNATING THE RESPONSIBILITIES OF THE DIRECTOR OF PURCHASING; PROVIDING FOR DEFINITIONS; PROVIDING FOR RESPONSIBILITY FOR PURCHASE PLANNING; PROVIDING FOR COMPETITIVE SEALED BIDDING; PROVIDING FOR BID PROTEST PROCEDURES; PROVIDING CONDITIONS FOR DEBARMENT AND SUSPENSION; EXEMPTING TYPES OF PURCHASES AND CONTRACTS FROM THE BIDDING REQUIREMENTS OF THIS ORDINANCE; PROVIDING FOR EMERGENCY PURCHASES; PROVIDING FOR INSPECTION; PROVIDING FOR DISPOSITION OF SURPLUS SUPPLIES, MATERIALS AND EQUIPMENT; PROVIDING FOR WAREHOUSE OPERATIONS; PROVIDING FOR RULES AND PROCEDURES OF PURCHASING; PROHIBITING CONFLICT OF INTEREST; PROVIDING FOR COOPERATIVE PURCHASES BY COUNTY AND OTHER GOVERNMENTAL UNITS; PROVIDING PENALTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND LAWS; PROVIDING AN EFFECTIVE DATE.

Attached is a copy of the above referenced Ordinance of Palm Beach County. This Ordinance has been filed with Florida Department of State and forwarded to Municipal Code Corporation for codification. The effective date is September 23, 1985 at 4:52 P.M..

Signed


Deputy Clerk

JWD:

Attachment

* cc: Commissioners, BCC
Clerk
Minutes

*If a complete copy of ordinance is needed, please advise this office and we will be happy to provide a copy.

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, REPEALING PALM BEACH COUNTY ORDINANCES 73-7, 79-6 AND 82-5 AND ENACTING AN ORDINANCE ENTITLED "PALM BEACH COUNTY PURCHASING ORDINANCE"; CREATING A CENTRALIZED PURCHASING DEPARTMENT FOR PALM BEACH COUNTY, FLORIDA, SETTING FORTH THE AUTHORITY AND GENERAL PURPOSE OF THE PURCHASING DEPARTMENT AND DIRECTOR OF PURCHASING; DESIGNATING THE RESPONSIBILITIES OF THE DIRECTOR OF PURCHASING; PROVIDING FOR DEFINITIONS; PROVIDING FOR RESPONSIBILITY FOR PURCHASE PLANNING; PROVIDING FOR COMPETITIVE SEALED BIDDING; PROVIDING FOR BID PROTEST PROCEDURES; PROVIDING CONDITIONS FOR DEBARMENT AND SUSPENSION; EXEMPTING TYPES OF PURCHASES AND CONTRACTS FROM THE BIDDING REQUIREMENTS OF THIS ORDINANCE; PROVIDING FOR EMERGENCY PURCHASES; PROVIDING FOR INSPECTION; PROVIDING FOR DISPOSITION OF SURPLUS SUPPLIES, MATERIALS AND EQUIPMENT; PROVIDING FOR WAREHOUSE OPERATIONS; PROVIDING FOR RULES AND PROCEDURES OF PURCHASING; PROHIBITING CONFLICT OF INTEREST; PROVIDING FOR COOPERATIVE PURCHASES BY COUNTY AND OTHER GOVERNMENTAL UNITS; PROVIDING PENALTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND LAWS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Palm Beach County Ordinance 73-7, as amended by Ordinances 79-6 and 82-5, established a centralized purchasing system; and

WHEREAS, the Board of County Commissioners, after thorough review and upon the study and recommendation of staff, finds and determines that certain modifications be made to the purchasing system; and

WHEREAS, the Board of County Commissioners now desires to enact a new comprehensive ordinance effectuating those modifications; and

WHEREAS, the repeal of Ordinances 73-7, 79-6 and 82-5 is necessary so that there be in effect only one ordinance providing for the centralized purchasing system.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AS FOLLOWS:

PART I. REPEAL OF PRIOR ORDINANCES

Palm Beach County Ordinances 73-7, 79-6 and 82-5 are hereby repealed in their entirety.

PART II. SHORT TITLE

This Ordinance shall be known and may be cited as the "Palm Beach County Purchasing Ordinance".

TABLE OF CONTENTS

- SECTION 1. Authority
2. General Purpose
3. Establishment of Purchasing Department

4. Responsibilities of Director of Purchasing
5. Definitions
6. Responsibility of Purchase Planning
7. Competitive Sealed Bids
8. Waiver of Irregularities
9. Suspension and Debarment
10. Protested Solicitations and Awards
11. Types of Purchases and Contracts Exempt
12. Emergency Purchases
13. Inspection
14. Surplus Supplies, Materials and Equipment
15. Warehouse Operations
16. Rules and Procedures on Purchasing
17. Conflict of Interest
18. Purchases Involving Other Governmental Agencies
19. Penalties
20. Conflicting Ordinances Repealed and Severability
21. Effective Date

SECTION 1. AUTHORITY

This ordinance is based on the authority granted to the Board of County Commissioners of Palm Beach County, Florida, in Chapter 125.01 Florida Statutes.

SECTION 2. GENERAL PURPOSE

The purpose of this ordinance is to place the County's purchasing under a centralized system which will enable the County to have the advantages of:

- a. Obtaining needed supplies, materials, equipment and contractual services of satisfactory quality and quantity at reasonable cost.
- b. Reduction in time and effort needed to obtain supplies.
- c. Economies by standardization of requirements of the using agencies into fewer types, sizes and grades of supplies.
- d. Economies by cooperative purchasing.
- e. Centralized inspection and testing services.
- f. Operation of the County warehouse.

g. Savings through inter-departmental transfer, trade-in and sale of surplus and obsolete commodities.

SECTION 3. ESTABLISHMENT OF PURCHASING DEPARTMENT

a. There is hereby established a County Purchasing Department which shall be the agency through which the County will conduct all of its purchases of supplies, materials and equipment, contractual services, sales of personal and surplus property. The head of the Purchasing Department shall be the Director of Purchasing.

b. The Director of Purchasing shall for him/her and his/her assistant give a blanket bond in the sum of Twenty-Five Thousand (\$25,000) Dollars payable to the Board of County Commissioners.

SECTION 4. RESPONSIBILITIES OF THE DIRECTOR OF PURCHASING

a. Purchasing. Subject to the provisions of this ordinance and the rules and procedures on purchasing (Section 16), the Director of Purchasing shall purchase or contract for all supplies, materials, equipment and contractual services required by any department or agency of the County government or for which payment is made from funds of the County. The Director of Purchasing shall, upon the request of any constitutional officer of the County, make available to such officer the services provided for in this ordinance subject to the terms of the ordinance and any rules and regulations adopted pursuant to Section 16.

b. Standard Specifications. The Director of Purchasing, in conjunction with the using department shall prepare and enforce standard specifications which shall apply to all supplies, materials, and equipment purchased for the use of the County government.

c. Utilization and Disposal. Under the supervision of the County Administrator, the Director of Purchasing shall transfer to or between County departments and agencies or sell supplies, materials, and equipment which are surplus, obsolete or unused.

d. Warehouse Stock. The Director of Purchasing shall maintain a warehouse stock of commonly used items and a catalog system for the use of County departments and agencies.

e. Vendor's List. The Director of Purchasing shall maintain an up-to-date file on qualified sources of supply of all articles

purchased by the County. This shall include a listing of all qualified minority business enterprises.

SECTION 5. DEFINITIONS

a. The terms "department" and "agency" as used in this ordinance mean any of the departments, boards, commissions, and other agencies of the County Government.

b. A "purchase" is an acquisition by contracting in any manner, whether by rent, lease, lease/purchase or outright purchase, with a source of supply for commodities or for both services and commodities. Capital Improvement Projects are included under the term "Purchase." As used in this ordinance, the following are not purchases of commodities.

(1) Transfer, sale, or exchange of personal property or services between governmental agencies.

(2) Commodities purchased for resale.

(3) Utilities.

(4) Postage.

(5) Professional Services.

(6) Insurance.

(7) Services where no commodity is acquired.

c. The term "capital improvement project" means any public improvement or utility operation which the County undertakes including the construction or reconstruction in whole or in part of any building, plant, structure, or facility necessary in carrying out the functions of the County government.

d. The term "vendor's list" means an up-to-date file on qualified sources of supply of articles of established quality.

e. The term "best bidder" may include, but is not limited to any of the following factors: price, the qualities of the articles to be supplied, their conformity with the specifications, their suitability to the requirements of the County government, the delivery terms, and the service reputation of the vendor.

SECTION 6. RESPONSIBILITY FOR PURCHASE PLANNING

a. The Director of Purchasing shall schedule purchases so as to obtain them at the prices most advantageous to the County

b. All using agencies shall file with the Director of Purchasing detailed estimates of their requirements for supplies, materials, equipment and contractual services in such manner, at such times and for such future periods as prescribed in the rules and procedures on purchasing.

c. In no way shall paragraph b. prevent any agency from filing with the Director of Purchasing a requisition for any supplies, materials, equipment or contractual services, the need for which was not foreseen when the detailed estimates were filed originally, provided that the requisition is accompanied with a written explanation.

d. Except in the case of emergencies as outlined in Section 12, no purchase order or contract shall be issued until sufficient funds are appropriated for the expenditure.

SECTION 7. COMPETITIVE SEALED BIDS

a. Advertisement and Openings - Public notice and Invitation to Bid shall be required for purchases in amounts exceeding \$10,000. Notice shall be published in a newspaper of general circulation for a reasonable period prior to the bid opening. Competitive sealed bids may be received, publicly opened and tabulated by the Director of Purchasing or his representative at a place and time indicated in the bid specifications. A vendor's name may be removed from the Vendor's List for failing to respond to three (3) consecutive invitations to bid.

b. Withdrawal of Competitive Sealed Bids and Cancellation of Awards - Withdrawal of competitive sealed bids which are clearly erroneous before or after award or cancellation of awards of contracts, based on such bid mistakes, shall be permitted if written notification of such error is received by the Director of Purchasing in a timely manner. After competitive sealed bid opening, no changes in bid prices or other provision of bids prejudicial to the interest of the County or fair competition shall be permitted. Any alteration or corrections appearing on competitive sealed bids when opened must be initialed by the vendor's representative who made the change.

c. Multi-Step Sealed Bidding - When it is considered impractical to initially prepare a purchase description to support an award on price, an Invitation for Proposals may be issued requesting the submission

of unpriced offer, to be followed by an Invitation for Competitive Sealed Bids limited to those bidders whose offers have been determined to be technically acceptable under the criteria set forth in the first solicitation.

d. All bids under this section shall be submitted sealed to the Director of Purchasing. When deemed necessary by the Director of Purchasing, the bids shall be accompanied by a surety in the form of a cashier's or certified check or bid bond in such amount as shall be prescribed in the public notice inviting bids.

A tabulation of bids received shall be posted for public inspection, and transmitted after tabulation to the Board of County Commissioners for filing of same at a regularly scheduled meeting of the Board.

e. If two or more bids are received for the same lowest total amount or unit price and if the public interest will not permit a delay for readvertising for bids, the Board of County Commissioners shall have authority to award the purchase or contract to one of the bidders based on the following criteria:

- (1) Availability or completion period.
- (2) Service availability or facility.
- (3) Previous vendor record.
- (4) All conditions equal, draw lots or "flip coin".

f. It shall be the duty of the Director of Purchasing to discourage uniform bidding and to endeavor to obtain as full and open competition as possible on all purchases and sales.

g. All contracts under this section shall be approved as to form and legality by the County Attorney prior to execution.

h. A record of all bids with supporting documents, showing the names of the bidders and amount of the bids and indicating in each case the successful bidder shall be preserved by the Director of Purchasing for five years in a file which shall be open to public inspection during regular business hours.

i. Competitive sealed proposals.

(1) Conditions for Use - When the Purchasing Director determines in writing that, due to the highly technical nature of the commodity or service, the use of competitive sealed bidding is

either not practicable or not advantageous to the County, a contract may be entered into by use of the Competitive Sealed Proposals.

(2) Request for Proposals - Proposals shall be solicited through a Request for Proposal. Public notice of the Request for Proposal for contracts exceeding \$10,000 shall be published in a newspaper of general circulation for a reasonable period prior to the date designated for submission of proposals.

(3) A Register of Proposals shall be prepared containing the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the item offered.

(4) Discussion with Responsible Offerors and Revisions to Proposals - As provided in the Request for Proposals, discussions may be conducted with prospective offerors for the purpose of clarification to assure full understanding of and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion.

(5) Upon approval by the Board, discussion with the most qualified vendor, based on Request for Proposal criteria, shall be conducted for the purpose of award in the best interest of the County.

SECTION 8. WAIVER OF IRREGULARITIES, REJECTION OF BIDS, AWARD

For purpose of this paragraph "bid" shall include purchases under Section 7. The County reserves the right to accept or to reject any or all bids and to make the award to that bidder, who in the opinion of the County, will be in the best interest of and/or the most advantageous to the County. The County also reserves the right to reject the bid of any vendor who has previously failed in the proper performance of an award or to deliver on time contracts of a similar nature or who is not in a position to perform properly under the award. The County reserves the right to inspect all facilities of bidders in order to make a determination as to the foregoing. In determining the best bid, the Board may consider such factors which include but are not limited to:

- a. The quality of workmanship.
- b. The ability of the bidder to meet time requirements.

- c. The financial stability and outstanding obligations of bidder.
- d. The past performances of the bidder with the County.
- e. The facilities and capacity of the bidder.
- f. The experience and ability of the bidder.
- g. Other factors which influence the ability of the bidder to perform.

The County shall reject any bid from a vendor who has not been a bonafide going concern prior to submission of the bid. No award shall be effective until the Director of Purchasing mails a purchase order or notice of award to the successful vendor. The County has the right to reject any bidder prior to official notification of award.

The County reserves the right to waive any irregularities and technicalities and may at its discretion, request a rebid. In the event only one bid is received, the Director of Purchasing may call for a re-bid or recommend award to the sole bidder.

SECTION 9. SUSPENSION AND DEBARMENT

a. Suspension - A vendor's name may be removed from the vendor list and any bids from that vendor rejected for a period not to exceed three years in the event the vendor:

(1) Fails to fully comply with the conditions, specifications, drawings, or terms of his contractual agreement with the County on any one contract.

(2) Is charged before a court of competent jurisdiction with committing a fraud, misdemeanor or felony in connection with the vendor's commercial enterprise. If charges are dismissed or if the vendor is found not guilty, the suspension shall be lifted immediately upon written notification and proof of final court disposition from the vendor.

(3) Becomes insolvent, has proceedings in bankruptcy instituted against him/her or, compounds his/her debts or assigns over his/her estate or effects for payment thereof, has any execution or attachment issued against his/her property, or has a receiver or trustee appointed over his/her property.

(4) Is found to have committed any act or has omitted to perform any act which is grounds for debarment.

b. Debarment - A vendor's name may be removed from the vendor list and/or any bids from that vendor rejected permanently in the event the vendor:

(1) Fails to request reinstatement on the bid mailing list within six months after receiving a notice of suspension based on Grounds for Suspension above.

(2) Fails to fully comply with the conditions, specifications, drawings, or terms of a contractual agreement with the County twice in any one year period.

(3) Is convicted by or has a judgment obtained in a court of competent jurisdiction for commission of a fraud or criminal offense in connection with the vendor's commercial enterprise. If the conviction or judgment is reversed through the appellate process, the debarment shall be removed immediately upon written notification and proof of final court disposition from the vendor.

c. Notice - Any suspension or debarment shall not become effective until 21 days after the date of a notification letter from the Director of Purchasing informing the vendor of the intended action. This written notification shall clearly state the reasons for the suspension or debarment and shall inform the vendor that the action shall become final within 21 days after the date of the notification unless:

(1) The vendor demonstrates to the satisfaction of the County that he has complied with all lawful requirements for retention on the mailing list and acceptance of his/her bids, or

(2) The vendor requests that a hearing be conducted under the provisions of Section 10 of this Ordinance.

d. Hearing - If a hearing is requested by the vendor within 21 days after the date of the suspension or debarment notice, the proposed suspension/debarment shall be held in the proposed abeyance pending the outcome of the hearing which will be conducted according to the procedural

provisions for protest proceedings provided herein for protested solicitations and awards.

SECTION 10. PROTESTED SOLICITATIONS AND AWARDS

a. Tabulation - The Director of Purchasing or his/her representative shall post a tabulation of competitive sealed bids along with the intended award recommendations at the location where the bids were opened.

b. Notice - A written notice of protest must be filed with the Purchasing Director within 72 working hours after posting the intended award recommendations and shall contain at a minimum:

- (1) The name of the bidder.
- (2) The bidder's address and phone number.
- (3) The name of the bidder's representative to whom notices may be sent.
- (4) A brief factual summary of the basis for the protest.
- (5) The name and bid number of the solicitation.

A formal written protest must be filed within five (5) days after the date of filing the notice of protest. The formal written protest shall: identify the protestant and the solicitation involved; include a plain, clear statement of the grounds on which the protest is based; refer to the statutes, laws, ordinances, or other legal authorities which the protestant deems applicable to such grounds; and, specifically request the relief to which the protestant deems himself entitled by application of such authorities to such grounds. The protestant shall mail a copy of the notice of protest and the formal written protest to any person with whom he is in dispute.

A written protest is filed with the County when it is delivered to and received by the Department of Purchasing. Accordingly, a protest is not timely filed unless it is received by the Purchasing Department within the times specified above. A written notice of protest filed by the close of the County's Purchasing Department on the day on which the 72 hours run shall be timely. Failure to file a

written notice of protest and subsequent formal written protest within the time period specified shall result in relinquishment of all rights of protest by the vendor and abrogation of any further bid protest proceedings.

In computing the time in which to file a notice of protest or formal protest, the day of the event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday, or a holiday when the County's offices are closed, in which event, the period shall run until the end of the next day that is neither a Saturday, Sunday or holiday.

c. Settlement and Resolution - The Director of Purchasing shall, within 14 days of the formal written protest, attempt to resolve the protest prior to any proceedings arising from the petition. Provided, however, if such settlement will have the effect of determining a substantial interest of another party or business, such settlement must be reached in the course of the proceedings provided herein.

d. Protest Proceedings - If the protest cannot be resolved by mutual agreement, the Assistant County Administrator with the approval of the County Administrator, shall conduct or designate another to conduct a protest proceeding pursuant to Section 10e below.

e. Procedures

(1) The presiding officer shall give reasonable notice to all substantially affected persons or businesses. Otherwise petitions to intervene will be considered on their merits as received.

(2) At or prior to the protest proceeding, the protestant may submit any written or physical materials, objects, statements, affidavits, and arguments which he/she deems relevant to the issues raised.

(3) In the proceeding, the protestant, or his representative or counsel, may also make an oral presentation of his evidence and arguments. However, neither direct

nor cross examination of witnesses will be permitted, although the presiding officer may make whatever inquiries he/she deems pertinent to a determination of the protest.

(4) The judicial rules of evidence shall not apply and the presiding officer shall base his/her decision on such information adduced in the course of the proceeding upon which reasonable prudent persons rely in the conduct of their affairs.

(5) Within seven (7) days of the conclusion of the proceeding, the presiding officer shall render a decision which sets forth the terms and conditions of any settlement reached. Such decision of the presiding officer shall be conclusive as to the recommendation to the Board of County Commissioners.

(6) Any party may arrange for the proceedings to be stenographically recorded and shall bear the expense of such recording.

f. Intervenor. The participation of intervenors shall be governed by the terms of the order issued in response to a petition to intervene.

g. The time limits in which protests must be filed as provided herein may be altered by specific provisions in the invitation for bids or request for proposals documents.

h. Entitlement to Costs. In no case will the protesting bidder or offeror be entitled to any costs incurred with the solicitation, including bid preparation costs and attorney's fees.

i. Stay of Procurements During Protests. In the event of a timely protest under this Section, the Purchasing Director shall not proceed further with the solicitation or award of the contract until all administrative remedies have been exhausted or until the County Commission makes a determination on the record that the award of a contract without delay is necessary to protect substantial interests of the County.

SECTION 11. TYPES OF PURCHASES AND CONTRACTS EXEMPT FROM
COMPETITIVE BIDDING

Purchases or contracts which by their nature are impossible to award by competitive bidding are exempt from the bidding provisions of this ordinance. These are:

a. Securing the professional services of physicians, real estate appraisers, architects, CPA firms for auditing services, engineers, consultants, attorneys, paralegals, expert witnesses, court reporters, or other individuals possessing a high degree of professional skill.

b. Any item which is a proprietary item or available from only a single source, and for which there are no competitive alternate sources, provided it is so certified by the Director of Purchasing to the County Administrator.

c. Specialized services which by their nature are available from only a single source, provided it is so certified by the Director of Purchasing to the County Administrator.

d. Emergency purchases, when certified by a department head to the Director of Purchasing and as authorized by the County Administrator that the delay incidental to competitive bidding would be detrimental to the interests of the County, as provided for in Section 12.

e. Purchases made from the Federal Government and State or political subdivision thereof, including the State of Florida, any municipality or local government.

f. After failing to receive a proposal or an acceptable proposal on a formal or advertised bid, where proper bidding procedure was followed, the Board of County Commissioners may authorize the Director of Purchasing to readvertise for bids or negotiate a purchase from available vendors providing that the intent and purpose of the original bid is followed and that there are funds properly budgeted for the purchase.

g. Where construction work is involved and the contractor encounters a problem not connected with his contract, but where delay in bidding would create additional problems, another contract may be negotiated with the contractor on the job, provided he is qualified and is available to perform on the new project or is capable of securing the services of a qualified sub-contractor.

h. Blanket Contracts established for small or emergency purchases wherein the exact number of items or identification of specific items cannot be foreseen in advance.

i. Any item purchased directly from a publisher, copyrighted materials, and/or patented items.

SECTION 12. EMERGENCY PURCHASES

a. The rules and procedures on purchasing shall provide for the method under which emergency purchases may be made. An emergency exists when a breakdown in service occurs or under any other circumstance when supplies are needed for immediate use in work which may vitally effect the safety, health and welfare of the public.

b. In case of emergency, the head of a department shall notify at once the Director of Purchasing who either shall purchase directly or authorize the purchase of the needed supplies without recourse to the requirements of Section 7. However, the head of such department shall send as soon as practicable to the Purchasing Director a requisition and a copy of the delivery record together with a written explanation of the circumstances of the emergency. These records shall be filed for public inspection.

SECTION 13. INSPECTION

a. The Director of Purchasing shall inspect, or arrange for the inspection of, all deliveries of supplies, materials, equipment, or contractual services to determine conformance with specifications set forth in the order or contract.

b. Any using department which has the staff and facilities for adequate inspection may be authorized by the Director of Purchasing to inspect deliveries made to it. The rules and regulations on purchasing shall provide for this method of inspection.

c. The Director of Purchasing shall have authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with the specifications. For such tests, the Director of Purchasing has the authority to make use of laboratory facilities of an agency of the County government or any outside laboratory.

SECTION 14. SURPLUS SUPPLIES, MATERIALS AND EQUIPMENT.

a. All departments shall submit to the Director of Purchasing at such times and in such form as prescribed in the rules and procedures on purchasing inventory reports of supplies, material and equipment. These reports shall show supplies which are usable and those no longer used or which have become obsolete.

b. The Director of Purchasing on approval of the County Administrator may transfer surplus or obsolete stock to:

- (1) Another department which has need of it,
- (2) Any person for value,
- (3) The state, any governmental unit, or political subdivision for value without bids, or

(4) If the stock is without commercial value it may be donated, destroyed or abandoned.

c. The Director of Purchasing in concurrence with the County Administrator shall have authority to sell all supplies which have become unsuitable for use, or to exchange or trade these for new supplies. Any such sale, exchange, or trade shall be in accordance with the Provisions of Chapter 274, Florida Statutes.

SECTION 15. STOREROOMS AND WAREHOUSE AND STORE REVOLVING FUND

a. The Director of Purchasing shall control and supervise the central storerooms and warehouses of the County.

b. The Board of County Commissioners shall provide a stores revolving fund of sufficient amount to finance the purchase and storage of supplies which are used in large quantities and which may be purchased and stored advantageously. Such fund shall be under the control of the Director of Purchasing who shall be responsible for all supplies in his custody. He shall maintain a perpetual inventory covering both physical terms and money values of all such supplies which shall be periodically reconciled with the stores controlling accounts.

SECTION 16. RULES AND PROCEDURES ON PURCHASING

a. The Director of Purchasing shall establish and from time to time amend rules and procedures on purchases to give effect to this ordinance. Such rules and procedures and any amendments must be reviewed by the County Administrator and approved by the Board of County Commissioners before being placed into effect. These rules and procedures shall apply to all purchases made by the Director of Purchasing, including those in Section 18, and those made for constitutional officers of the County.

b. The rules and procedures on purchasing and changes therein shall be made available to the public at the office of the Director of Purchasing.

c. All purchases of services, supplies, materials and equipment required by County Departments shall be made only upon receipt of requisitions signed by such employees as may be designated for that purpose by the department head.

SECTION 17. CONFLICT OF INTEREST

Neither the Director of Purchasing, nor any member of his staff, shall be financially interested or have any personal beneficial interest, directly or indirectly, in any contract or purchase of any supplies, materials, equipment, or contractual services used by or furnished to any agency of the County government.

The Director of Purchasing and every member of his staff is prohibited from accepting or receiving from any person, firm or corporation to which any contract or purchase may be awarded any money, rebate, gifts, or anything of value or any promise, obligation or contract for future reward or compensation.

No member of the Board of County Commissioners or any employee acting on its behalf shall be financially interested, or have any personal beneficial interest, directly or indirectly in any contract or purchase of any supplies, materials, equipment, or contractual services used by or furnished to any department of the County government. Members of the Board of County Commissioners and employees acting on its behalf are prohibited from accepting or receiving from any person, firm or corporation to which any contract or purchase may be awarded any money, rebate, gifts, or anything of value or promise, obligation or contract for future reward or compensation.

SECTION 18. PURCHASES INVOLVING OTHER GOVERNMENTAL UNITS

a. Upon approval of the Board of County Commissioners, the Director of Purchasing may enter into cooperative purchasing agreements with other governmental units, for all services, supplies, materials and equipment used by the county. All provisions of this ordinance including the bidding requirements in Section 7 shall apply unless the agreement allows the selection of vendors using other governmental unit rules and regulations that may differ from those of the county.

b. The Director of Purchasing may purchase goods and services under contract with the federal government and state or political subdivision thereof, including the State of Florida, any municipality or local government. The bidding requirements set forth in Section 7 shall not apply in this case.

c. Other governmental agencies may use the purchasing services of Palm Beach County in accordance with those procedures set forth in the Purchasing Procedures Manual and subject to the provisions of this Ordinance.

SECTION 19. PENALTIES

Violations of this ordinance shall be a misdemeanor of the second degree and shall be punishable as provided by Sections 775.082 and 775.083, Florida Statutes.

SECTION 20. CONFLICTING ORDINANCES REPEALED AND SEVERABILITY

Ordinance 85-14 and all other ordinances or parts of ordinances in conflict herewith or inconsistent with the provisions of this ordinance and Chapters 67-1861 and 67-1877, Special Acts, Laws of Florida, are hereby repealed. If any section, paragraph, sentence, clause, phrase or word of this ordinance is found unconstitutional, inoperative or void, such holding shall not affect the remainder of this ordinance.

The provisions of this ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

SECTION 21. EFFECTIVE DATE

The provisions of this ordinance shall become effective upon receipt from the Department of State of official acknowledgement that this ordinance has been filed with the Department of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on the 10th day of September, 1985.

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

PALM BEACH COUNTY, FLORIDA, BY
ITS BOARD OF COUNTY COMMISSIONERS

Maureen Cullen
County Attorney

✓ By [Signature]
Chairman

Acknowledgment from the Department of State received on the 23rd day of September, 1985, at 4:52 P.M., and filed in the Office of the Clerk of the Board of County Commissioners of Palm Beach County, Florida.

Acknowledged by the Department of State of the State of Florida on the 20th day of September, 1985.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on September 10, 1985
DATED at West Palm Beach, FL on 9/24/85.
JOHN B. DUNKLE, Clerk
D.C.